

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

FREDERICK CONNORS,

Plaintiff,

v.

CHARTER BUSINESS, et al.,

Defendant.

Case No. 3:14-cv-00688-MMD-WGC

ORDER ACCEPTING AND ADOPTING
REPORT AND RECOMMENDATION OF
MAGISTRATE JUDGE WILLIAM G. COBB

Before the Court is the Report and Recommendation of United States Magistrate Judge William G. Cobb (dkt. no. 5) ("R&R") relating to plaintiff's application to proceed *in forma pauperis* (dkt. no1) and pro se complaint (dkt. no. 1-1). Plaintiff had until March 22, 2015, to object to the R&R. No objection has been filed.

This Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a *de novo* determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1). Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. See *United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard

1 of review employed by the district court when reviewing a report and recommendation to
2 which no objections were made); see also *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219,
3 1226 (D. Ariz. 2003) (reading the Ninth Circuit's decision in *Reyna-Tapia* as adopting the
4 view that district courts are not required to review "any issue that is not the subject of an
5 objection."). Thus, if there is no objection to a magistrate judge's recommendation, then
6 the court may accept the recommendation without review. See, e.g., *Johnstone*, 263 F.
7 Supp. 2d at 1226 (accepting, without review, a magistrate judge's recommendation to
8 which no objection was filed).

9 Nevertheless, this Court finds it appropriate to engage in a *de novo* review to
10 determine whether to adopt Magistrate Judge Cobb's R&R. The Magistrate Judge
11 recommended dismissing with prejudice the action and denying the application to
12 proceed *in forma pauperis*. Upon reviewing the R&R and records in this case, this Court
13 finds good cause to adopt the Magistrate Judge's R&R in full.

14 It is therefore ordered, adjudged and decreed that the Report and
15 Recommendation of Magistrate Judge William G. Cobb (dkt. no. 5) be accepted and
16 adopted in its entirety.

17 It is ordered that this case is dismissed with prejudice, as amendment would be
18 futile.

19 It is further ordered that plaintiff's Application to Proceed *In Forma Pauperis* is
20 denied as moot.

21 The Clerk is directed to close this case.

22 DATED THIS 11th day of May 2015.

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25 MIRANDA M. DU
26 UNITED STATES DISTRICT JUDGE
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